

RESOLUTION AMENDING RESOLUTION 2014-01 "RESOLUTION
ADOPTING RULES OF PROCEDURE OF THE CITY COUNCIL OF
THE CITY OF FALLS CHURCH, VIRGINIA AS OF JANUARY 1,
2014"

WHEREAS, Section 4.05 of the City Charter of the City of Falls Church requires the newly elected City Council to adopt Rules of Procedure; and

WHEREAS, Rules of Procedure of the City Council were previously adopted on January 6, 2014 by Resolution 2014-01; and

WHEREAS, the City Council has reviewed the previously adopted Rules of Procedure and desires to readopt those Rules set forth in Resolution 2014-32.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Falls Church, Virginia that the City Council hereby readopts the City Council Rules of Procedure attached hereto and incorporated herein.

Reading: 8-11-14
Adoption: 8-11-14
(TR14-33)

IN WITNESS WHEREOF, the foregoing was adopted by the City Council of the City of Falls Church, Virginia on August 11, 2014 as Resolution 2014- 25.



Celeste Heath
City Clerk

RULES OF PROCEDURE
CITY COUNCIL
CITY OF FALLS CHURCH, VIRGINIA

A. Meetings of the City Council

- (1) Regular meetings of the Council shall be held in the Council chamber at 7:30 p.m., on the second and fourth Mondays of each month, except:
 - (a) when a meeting falls on a legal holiday that the City observes, the meeting shall be held on the following day;
 - (b) only one meeting shall be held in the months of December and August, unless otherwise agreed to by two-thirds of the Council Members.
- (2) A special meeting of the Council may be called by written request of the Mayor, the City Manager, or any two (2) Members of Council. The written request for the special meeting shall state the subject matter to be addressed at the special meeting.
 - (a) Written notice of a special meeting shall be delivered to the residence of each Council Member or to the Member's known whereabouts, and to the offices of the City Manager, the City Attorney and the Clerk. All Members shall be given notice of the meeting as soon as practicable after the written request for such meeting is received by the Clerk.
 - (b) The special meeting shall be publicly noticed in accordance with law, and shall state the items of business to be considered, and the place, date, and hour of the meeting. The Clerk shall make reasonable efforts to notify affected parties, boards, and commissions, as appropriate.
- (3) Work sessions of the Council shall be held on the first and third Mondays of each month or such other day as Council Members shall designate. In the absence of items to be discussed by Council, a work session may be cancelled. As a general rule, Work Sessions are not held on the fifth Monday of a month, unless called for as a special meeting.
- (4) Meetings of the City Council may be held at another location designated by the Council, provided that lawful public notice of the alternative location is given. Such alternative meeting location shall be accessible pursuant to the Americans With Disabilities Act.
- (5) No additional scheduled agenda items, except minutes and a vote regarding whether to recess, shall be considered after 10:30 p.m. unless there is an affirmative vote by a majority present to continue beyond 10:30 p.m. In the absence of a decision to continue beyond 10:30 p.m., the meeting shall be recessed until the following day at 7:30 p.m. A meeting thus recessed may be

moved to another publicly accessible location if the Council Chamber is not available.

- (6) Agendas for regular and special meetings, copies of resolutions or ordinances to be considered, and documents pertaining thereto shall be made available to each Council Member not less than three working days prior to the time of the first work session where the resolution or ordinance is introduced for the first time. Items not on the agenda for regular and special meetings may be considered but may not be voted upon at that meeting without the consent of two-thirds of the Council Members present. The City Clerk will endeavor to distribute and post for the public such additional motions, ordinance changes, or resolution changes that are proposed by individual Council Members after the meeting packet is distributed and before the Council meeting.

B. Public Meetings – Best Practices

- (1) It is City Council's full intent to comply with the letter and spirit of the Freedom of Information Act to ensure transparency and full access to information. These rules are guidelines and state best practices. If the City Council does not follow one of these best practices, that does not, by itself, constitute malfeasance or a violation of Virginia law. All meetings and work sessions of the Council shall be conducted in accordance with the Virginia Freedom of Information Act, Section 2.2. - 3700 et. seq. of the Code of Virginia.
- (2) Exception--A meeting may be closed to the public only in accordance with the provisions of the Virginia Freedom of Information Act.
- (3) Avoidance of "Meeting" When Members Are Not Assembled

1. Best Practices

- a. All electronic communications, except as defined below, between members of City Council should be one-on-one (1-1) to avoid a public meeting.
- b. A maximum of two (2) members of City Council may have simultaneous or virtually simultaneous communications with one another by email, telephone, or other means of electronic communication.
- c. Staff may send information to the City Council collectively in an electronic format. However, to comply with the best practice a., above, Council members should reply only to the originating staff member or other staff members in an electronic format, and should not hit "Reply all" when sending e-mails in response to information sent to all members of City Council by staff.
- d. If a quorum call is required from City Council members, staff will request that individuals respond only to the originator and not to the group.

2. Individual members of City Council, as citizens, have the right to post and/or respond to postings on blogs, on-line newspapers, etc. However, members

of City Council who post should stress that they are posting as individuals and are not speaking on behalf of the City Council, as a body. Further, more than two (2) members of City Council should not post on a blog, on-line newspaper, or similar media if such postings would constitute simultaneous or virtually simultaneous communications with one another on a single topic related to public business.

C. Minutes of Meetings

- (1) Minutes of regular and special meetings shall be recorded by the Clerk and kept in accordance with the law of the Commonwealth. The Clerk shall record verbatim the motions and amendments made by Council Members. In all other portions of the minutes, the Clerk shall provide a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken in accordance with VA Code §2.2-3701 I. The Clerk shall cause to be made an audio and/or video recording of the meeting, which shall be preserved.
- (2) Minutes of work sessions and committees of Council shall be sufficient that list the names of Council Members in attendance and the subjects discussed. Such minutes shall be promptly filed with the Clerk by the presiding officer of the work session.
- (3) A Council Member, or the City Attorney, or the City Manager may request the Clerk to transcribe a specific portion of an audio or video recording of a meeting but only for the purpose of clarifying the intent of the Council where a disagreement occurs. Recordings shall be retained by the City Clerk for a period of three years.

D. Quorum

- (1) Four (4) Members shall constitute a quorum of the Council to conduct business at a regular or special meeting; except, whenever there may be three or more vacancies on the Council, the whole number of incumbent Members less one shall constitute a quorum. Three (3) Members shall constitute a quorum for a work session.
- (2) No business may be conducted by the Council without the presence of a quorum.

E. Rules of Order

Council meetings shall be governed by the laws of the Commonwealth of Virginia applicable to meetings of public bodies and by Robert's Rules of Order, Newly Revised (10th Ed.). Robert's Rules of Order may be suspended only by a motion duly made and seconded and adopted by a two-thirds vote of the Council Members present. Such motion to suspend Robert's Rules of Order shall have priority over all other motions. No such suspension shall be effective beyond the time of adjournment of the meeting at which the suspension was adopted.

F. Order of Business

The order of business on the regular or special meeting agenda shall be:

- (1) Call to order
- (2) Pledge of Allegiance
- (3) Roll call
- (4) Validation of notice of special meeting
- (5) Adoption of meeting agenda
- (6) Proclamations
- (7) Oath of office to new board & commission members
- (8) Receipt of public comments, requests, and consent item comments:
 - (a) A Member of the public may address the Council for one three-minute period. The Clerk or the presiding officer shall enforce the three-minute period. The Mayor, in his or her discretion, may shorten the time allotted each speaker as necessary based on the length of the agenda and the number of speakers.
 - (b) When delivering reports to Council, chairs or representatives of boards, commissions, or committees shall make reports of activities of boards or commissions in writing submitted to the Clerk ninety-six (96) hours prior to the meeting. A chair or representative of a board, commission, or committee may make a 5-minute oral summary of the written report.
 - (c) The Clerk shall briefly summarize written communications from Members of the public.
 - (d) Council Reports. Each Council Member may speak for up to one minute regarding information of public interest.
- (9) Report of City Manager to Council
- (10) Business on the Agenda:
 - (a) Second readings of ordinances and other items requiring public hearings;
 - (b) Resolutions and first readings of ordinances;
 - (c) Consent items (to include Appointments);

- (d) Items removed from consent;
- (e) Other business;
- (11) Business not on the agenda;
- (12) Council Member comments and requests. Council members are afforded one, two minute period per meeting to raise general comments.
- (13) Approval of minutes of previous meetings;
- (14) Adjournment.

G. Speaking Time

Council member speaking time on topics shall be managed in the following ways:

Regular Meetings: For each agenda item, Council Members will endeavor to keep their comments to 3 minutes. When every member has had the opportunity to speak, each member will be given 1 additional minute to respond to comments by colleagues or ask for further information from staff. Speaking times will be timed by the Clerk of Council and enforced by Council Leadership. If a Council member knows that his or her remarks will take longer than the allotted time, they will request permission ahead of time to exceed the time limit (granted once per meeting). If remarks exceed 3 minutes, Council Members may request an additional minute from the Chair.

Work Sessions: The total time allotted for each item will be noted on the agenda. Council members will endeavor to hold to those time allotments, with the goal of working toward the decision point, per the Council Action Requested. Follow up questions by Council for staff may be made in writing after the meeting (in advance of the next agenda packet deadline), as an alternative to continuing discussion.

H. Voting

Pursuant to Section 4.07 of the City Charter, "Voting," all votes by the City Council, except for votes on procedural motions, shall be by roll call vote recorded by the Clerk.

I. Matters Relating to the Agenda for Regular and Special Meetings

- (1) Items of business may be placed on the agenda only by a Member of the Council or the City Manager. The name of the person sponsoring the agenda item shall be noted on each agenda item.
- (2) Subject to the provisions of Section 4.10 of the City Charter and unless

otherwise agreed by Council, prior to initial consideration at a Council meeting, ordinances and resolutions should be considered by Council in one or more work sessions.

- (3) Titles of ordinances and resolutions shall include a plain-language statement of the content or purpose of the ordinance or resolution. References to real property within the City shall include, in addition to any other description, the street and address number or the closest cross streets.

J. Public Hearings

- (1) The Mayor or presiding officer of a regular or special Council meeting may, in the interest of time and in his or her sole discretion, limit the length of time a person may speak, and may request that groups wishing to comment designate a single spokesperson. In all instances, a reasonable amount of time shall be accorded for public comment at a public hearing which will be determined by the number of speakers present and the number of agenda items. The time limit will be announced at the start of the public comment period to ensure that all speakers are duly informed. A person shall be allowed to address the Council only one time during a public hearing.
- (2) A person seeking to address the Council shall identify him or herself by name and shall state his or her residence or business address.

K. Availability of Records in the Library

- (1) A copy of the Council meeting agendas, along with all documents distributed to Council Members pursuant to section (A) 6, above, shall be posted in the Mary Styles Library three working days prior to the Council meeting. Minutes of Council meetings, copies of reports of departments, and other materials relevant to actions of the Council shall be placed in the Library in a timely manner following their preparation. Materials so placed in the Library shall remain available for reading and inspection by the public for a minimum period of ninety (90) days.
- (2) Materials considered in closed session or designated exempt under the Virginia Freedom of Information Act shall not be released to the public without the express approval of the Council by affirmative vote of a majority of the entire membership of Council.

Addendum to Rules of Procedure

Securing Information

1. Council will have access to staff members when necessary and appropriate to clarify issues or gain information and should notify the City Manager as appropriate. All requests that require staff written response will go through the City Manager as a matter of expediency and courtesy.
2. Council's request to staff or the City Manager for information will be noted by the City Clerk who will report on the resolution of information requests at Council meetings and work sessions.
3. The Mayor's weekly meeting to determine the Council agenda should be opened to other Council members, with the understanding that the assembly of three or more Council members constitutes a formal meeting. Interested Council members will make their desire to attend known to the Mayor, Vice Mayor, and City Clerk, and their presence, to the extent possible, will be accommodated. The City Clerk will publish the minutes within 24 hours of the meeting.
4. All council members will be treated equally and have equal access to information.
5. The Mayor's role will be confined to the terms of the Charter.
6. Representational and ceremonial duties to the extent permitted by the City Charter, as well as taking the lead in communicating with the public and news media, should be the task of the Council member who has subject area responsibility.

Presentation of Information

1. Staff Reports to Council should be written in a standard format using the Cover Page for Legislation of Staff Reports so that "Requested Action" is immediately clear. Staff should be diligent about anticipating Council and public questions.
2. For staff presentations on agenda items, staff shall state upfront where the agenda item is in the decision making process. For example, when an item is up for first reading, the staff report should note in plain English, that this means that the Council action is to refer the matter to the public and to Boards and Commissions for review and comment, and when it will come back to the City Council for subsequent action.
3. Staff and Council presentations will be concise; PowerPoint presentations will be discouraged; if a presentation has been made once at a meeting, subsequent presentations on the same topic at future meetings should be abbreviated to focus on what has changed since the first presentation, unless the full presentation is requested again by a Council Member due to public interest or any other reason.
4. Council shall have the discretion to receive information electronically and will so indicate to staff prior to the preparation of Council packages.

5. Work Session Agendas will be prepared with a “Council Action Requested” column.

These actions can include:

- For Information and Input Only
- For First Reading and Referral to Boards & Commissions at the mm/dd/yy meeting
- For Final Decision at the mm/dd/yy meeting
- To Be Placed on Consent Agenda at the mm/dd/yy meeting

6. If not limited by TV camera placement, work session table should be configured so that Council members are facing one another to the best extent possible. This can be a square, smaller rectangle, or other configuration that encourages face to face interaction.